

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF NPCR, INC. D/B/A NEXTEL)	
PARTNERS FOR DESIGNATION AS AN ELIGIBLE)	CASE NO.
TELECOMMUNICATIONS CARRIER IN THE STATE)	2003-00143
OF KENTUCKY)	

O R D E R

On October 21, 2003, the Commission established a procedural schedule for this case, which must now be altered. Due to a motion made by Logan Telephone Cooperative, Inc.; Mountain Rural Telephone Cooperative Corporation, Inc.; Peoples Rural Telephone Corporation, Inc.; South Central Rural Telephone Cooperative Corporation, Inc.; and the Independent Telephone Group (hereinafter referred to collectively as “the ITG”), the Commission finding good cause, hereby modifies the procedural schedule.

On November 10, 2003, the ITG moved for the Commission to compel NPCR, Inc. d/b/a Nextel Partners (“Nextel”) to enter into a confidentiality agreement with the ITG to allow them to see the responses to information requests. Nextel responded to certain intervenor requests in this matter and requested that the information be held confidential pursuant to KRS 61.870. Because the ITG has been unable to evaluate the responses of the information requests, it was unable to formulate additional information requests by October 24, 2003, the date specified by the procedural schedule.

The ITG now moves that it be allowed to modify the Commission’s procedural schedule to allow it to propound additional information requests to Nextel after it has had the opportunity to review the information held confidential. The Commission finds that the requests of the ITG are reasonable and should be granted. Therefore, the Commission will

require Nextel to enter into a confidentiality agreement with the ITG and will modify the procedural schedule set forth in our October 21, 2003 Order.

IT IS THEREFORE ORDERED that:

1. Nextel shall enter into a confidentiality agreement with the ITG, and upon doing so it shall notify the Commission.
2. Ten days following the execution of the confidentiality agreement, the intervenors shall submit information requests to Nextel with an original and 6 copies to the Commission and a copy to all parties of record.
3. Fourteen days following the issuance of information requests Nextel shall respond to the requests.
4. Twenty-one days following Nextel's responses, parties shall file additional comments, if any, in response to the petition and the information requests.
5. Fourteen days following the filing of any additional comments, parties shall submit any requests for a hearing. If no such request is filed, this matter shall be submitted to the Commission for decision on the written record without further Order.

Done at Frankfort, Kentucky, this 1st day of December, 2003.

By the Commission

ATTEST:


Executive Director